



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1058: NOT GUILTY BY REASON OF INSANITY DEFENSE

Prime Sponsors:

Rep. Bradfield
Sen. Michaelson Jenet

Fiscal Analyst:

Aaron Carpenter, 303-866-4918
aaron.carpenter@coleg.gov

Published for: House Judiciary**Drafting number:** LLS 25-0114**Version:** Initial Fiscal Note**Date:** January 9, 2025

Fiscal note status: The fiscal note reflects the introduced bill, which was recommended by the Legislative Oversight Committee Concerning the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems.

Summary Information

Overview. The bill makes several updates to the procedure for not guilty by reason of insanity (NGRI) cases regarding evaluation length and conduct of interviews.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- State Expenditures

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill makes several updates to the procedure for not guilty by reason of insanity (NGRI) cases. First, the bill requires the court, the Colorado Department of Human Services (CDHS), and other legal parties to determine if the sanity evaluation requires an extended examination and the number of days of the extended examination. The examination may take place in the jail or a CDHS contract facility. Second, when evaluation interviews are recorded, the bill requires that the defendant not appear in prison or jail clothing. Narcoanalytics, or “truth serums,” and polygraph examinations are prohibited during interviews. Finally, the bill makes conforming amendments and technical corrections.

State Expenditures

Starting in FY 2025-26, to the extent the bill reduces the length of time from sanity testimony due to the removal of narcoanalytic interviews, workload to the trial courts will decrease. Based on the low number of NGRI cases heard each year in the courts, any decrease is expected to be minimal. In addition, any additional workload for the CDHS for extended evaluations is expected to be minimal.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Behavioral Health Administration	Human Services
Counties	Judicial
District Attorneys	Sheriffs

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).